

STORM WATER PERMITTING IN GEORGIA

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INTRODUCTION

The 1987 re-authorization of the Clean Water Act by the U.S. Congress mandated the Environmental Protection Agency (EPA) to regulate storm water discharges under the National Pollutant Discharge Elimination System (NPDES). Storm water and other non-point sources are leading sources of water pollution that are just beginning to be regulated. The Clean Water Act specified that storm water discharges from both municipal separate storm sewer systems and industrial facilities be regulated. In November 1990, the EPA published the first of a series of regulations regarding storm water discharges.

FACILITIES REQUIRING PERMITS

Municipal Permits. Municipalities with a population of greater than 100,000 (i.e. medium and large municipalities) were required to obtain a NPDES permit for their separate storm sewer systems. Five metropolitan areas in Georgia meet this population threshold. The city and county governments in Cobb, DeKalb, Clayton, Fulton, and Gwinnett counties comprise a single large metropolitan area. The remaining metropolitan areas are the medium metropolitan areas and consist of the city and county governments in Bibb, Chatham, Muscogee, and Richmond counties.

Industrial Permit. Eleven categories of industrial activities were identified as being required to have a NPDES permit for their storm water discharges. The eleven categories are: (1) facilities with effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards; (2) manufacturing facilities within certain SIC major industry groups; (3) certain mining and oil & gas operations; (4) hazardous waste treatment, storage, & disposal facilities; (5) active and inactive landfills, land application sites and open dumps; (6) facilities involved in recycling materials in the SIC industry groups 5015 & 5093; (7) steam electric power generating facilities including coal handling sites; (8) certain portions of transportation facilities within a limited

number of SIC industry groups; (9) wastewater treatment works & ancillary activities with design flows of >1.0 MGD; (10) construction activities; and (11) "light industry" where materials are exposed to storm water.

PERMIT APPLICATION PROCESS

Being delegated by the EPA to implement the NPDES program in the State of Georgia, the Environmental Protection Division (EPD) expects to issue several NPDES permits that will regulate storm water discharges. EPA established a two part process for municipalities to apply for a permit to discharge storm water from the municipal separate storm sewer systems. EPA established November 16, 1993 as the deadline for the large municipal systems to obtain a NPDES permit. Under the guidance of the Atlanta Regional Commission, all of the cities and counties in the Atlanta metropolitan area submitted their applications prior to the November 16, 1992 deadline. EPD expects to issue NPDES permits to the large municipalities in the fall of 1993. May 18, 1993 is the deadline EPA established for the medium municipalities to complete their application process. EPD will complete the review of these medium municipality applications and issue NPDES permits prior to the May 17, 1994, deadline. An October 1, 1992, deadline was established for submittal of applications for industrial activity permits.

General Permits for Industry. To provide a mechanism for the regulated community (i.e. industrial facilities) to comply with the federal regulation EPD published on September 23, 1992, a public notice of its intent to issue two general baseline NPDES permits to regulate storm water discharges from industrial activities. Storm waste discharges from ten of the eleven categories of industrial activities would be regulated by the NPDES Permit No. GAR000000. The eleventh category, construction activities (i.e. land disturbance activities of greater than five acres), would be regulated by the NPDES Permit No. GAR100000. During the public comment period and the October 29, 1992 Public Hearing, EPD received a total of sixteen written and oral comments. The majority of these

comments concerned the construction activities permit. The General NPDES Permit No. GAR100000 was signed by the Director of the EPD on November 19, 1992. This permit was subsequently appealed by a citizen and The Conservation Society during the appeal period. The appeal filed by The Conservation Society claims that the NPDES Permit No. GAR100000, as issued, would allow water quality degradation and pollution to occur. The Department of Natural Resources' Administrative Law Judge has set an early April 1993 date for the submittal of preliminary briefs.

STORM WATER POLLUTION PLANS

Both general NPDES permits, as drafted, provide that a Storm Water Pollution Plan must be prepared and kept at the facility. The Plan is intended to establish those best management practices which are to be employed at the facility to minimize or eliminate any pollutants from their storm water discharges. The Plan is an ongoing document that would be periodically revised by the permittee. At a minimum the Plan must be revised at least yearly. The five major phases involved in developing and implementing the Plan are: planning and organization; assessment; best management practices identification; plan implementation; and evaluation.

For existing facilities, the Plan must be prepared within six months of the issuance of the permit and be prepared in accordance with the EPA manual titled Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans And Best Management Practices. For existing facilities, final implementation of this Plan is required within a year of issuance of the permit. New industrial facilities (or late applicants) that must comply with the storm water regulations, are required to prepare and implement the Plan within sixty days of submitting the NOI.

Most industrial facilities in Georgia will be required to monitor their storm water discharges on an annual basis. A monitoring waiver (alternative certification) is provided in the permit where the permittee can certify there is no exposure of activities and materials to storm water.

Construction Activities Permit. The construction activities permit also requires the preparation of a Storm Water Pollution Prevention Plan. In the case where the construction activities (i.e. land disturbance activities) are also regulated by Georgia's Erosion and Sedimentation Control Act, these sites are exempt from the requirement to prepare a separate Storm Water Pollution Plan. These sites are required to have an approved erosion and sediment control plan and a land disturbance activity permit issued by the local issuing authority. Only those construction activities not fully regulated by the Erosion and Sedimentation Control Act must prepare a Plan.

This Plan must be prepared prior to conducting any land disturbance activities and must be prepared in accordance with the EPA document titled Storm Water Management For Construction Activities: Developing Pollution Prevention Plans and Best Management Practices. Generally the Pollution Prevention Plan will address the same management practices that would be addressed in the erosion and sediment control plan.

As required by federal law, all permittees that apply for coverage under the construction activities general NPDES permit must conduct inspections of the site on a routine basis.

Exemptions. A notable exemption to the construction activities permit is provided by the Federal Regulations. Land disturbance activities conducted by municipalities with populations less than 100,000 are not required to comply with the construction activity general NPDES permit. Some land disturbance activities conducted by these municipalities may still be regulated by the Erosion and Sedimentation Control Act.

LITERATURE CITED

- U.S. EPA, Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans And Best Management Practices.
- U.S. EPA, Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices.